

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:03cr144

JEFFREY TYSON TOLBERT,

Defendant.

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Federal Rule of Criminal Procedure 11, and referral from a United States District Judge, and has entered a plea of guilty to Count 1 of the indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty pleas were knowledgeable and voluntary, and that the offenses charged are supported by an independent basis in fact establishing each of the essential elements of such offenses. I therefore recommend that the pleas of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge.

28 U.S.C. § 636(b)(1)(B) .

ENTERED this 18th day of October, 2005.

/s/

F. Bradford Stillman

United States Magistrate Judge

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of the following:

Larry W. Shelton, Esquire
Assistant Federal Public Defender
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Laura P. Tayman, Esquire
Assistant United States Attorney
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101 West Main Street
Norfolk, Virginia 23510

Elizabeth H. Paret, Clerk

By _____
Deputy Clerk

_____, 2005